

MORTON & CRAIG LLC
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UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY

In re:) Case No. 17-29034 (JNP)
GERARD E. MCFADDEN, JR.) Chapter 13
JOANNE S. MCFADDEN) Hearing date: 11-15-17
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OBJECTION TO CONFIRMATION
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Mercedes-Benz Financial Services USA LLC ("Mercedes-Benz"), a secured creditor of the Debtor in connection with three vehicles, objects to the Debtor's plan for the following reasons:

a. **The vehicles:** The debtor owns the following three vehicles that have been financed with Mercedes-Benz Financial Services USA LLC:

i. 2015 Mercedes-Benz CLS 400C4 with a payoff balance due at filing of \$76,231.69.

ii. 2016 Mercedes-Benz S550V4 with a payoff balance due at filing of \$99,465.32

iii. 2016 Mercedes Benz S550V4 with a payoff balance due at filing of \$105,304.19.

- b. The plan calls for the surrender of the vehicles but it is believed that the debtor has turned possession of these vehicles over to a third party or parties. If this is the case, you cannot surrender what you do not have in your possession and the plan is filed in bad faith.
- c. **Proof of insurance:** The vehicle must be insured with comprehensive and collision insurance coverage and liability coverage in accordance with the requirements contained in the contract. Mercedes-Benz Financial must be listed as loss payee or additional insured. **The Debtors must provide Mercedes-Benz with proof that the vehicle is insured in accordance with §1326(a)(4) and this portion of the objection to confirmation should be considered a demand that the Debtors provide proof of insurance.**

/s/ John R. Morton, Jr.

John R. Morton, Jr., attorney for
Mercedes-Benz Financial Services USA LLC

Date: 9-29-17